IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6391 OF 2005

Shri Dinanath Kadam & Ors. : Petitioners

V/s.

Shri Ashok Bhaurao Rukadikar & Ors. : Respondents

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Mr.S.M.Kamble for the petitioners.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

September 29, 2005.

P.C.:

1. The petitioners have challenged the order dated 9.8.2005 passed by the Joint Charity Commissioner, Kolhapur Region, Kolhapur, directing them to produce the record as prayed for by the respondents in the application dated 1.6.2005.

2. This application was made in proceedings under section 41E of the Bombay public Trusts Act, 1950, questioning the elections of the petitioners. The record has been ordered to be produced also in view of the apprehension expressed by the respondents that it may be fabricated and tampered

with.

3. Mr.Kamble, the learned counsel for the petitioners, submitted that the record which is directed to be produced is not specified. This argument does not appear to be correct in view of the fact that the record has been specified in para 8(A) of the application. The learned counsel further submits that the respondents have not specified the year pertaining to which they want the record to be produced. I am of view that this is not a ground for interference since the Joint Charity Commissioner has directed production of the record referred to in para 8(A). If there is any difficulty, the petitioners may apply to the Joint Charity Commissioner for clarification. In the meanwhile, they shall produce the record as directed.

4. In the result, the petition fails and is dismissed.

Sd/-

S.A. BOBDE, J.